

## **REMARKS**

### **I. General**

Claims 1-33 are pending in the present Application. Paragraph [0010] of the specification and claims 1-4, 8-11, 15-18, and 29-33 are amended herein. Claim 14 is canceled. Claims 31 and 33 are objected to as containing informalities. Claims 3 and 10 stand rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Claims 1-5, 7-11, 13, and 29-33 stand rejected under 35 U.C.S. § 102(b) as being anticipated by United States Patent Number 5,715,164 to Liechti et al. (hereinafter *Liechti*). Claims 23-26 stand rejected under 35 U.S.C. § 102(c) as being anticipated by United States Patent Publication Number 2004/0098354 to Manduley (hereinafter *Manduley*). Claims 6 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Liechti* in view of United States Patent publication number 2004/0194154 to Meadors et al. (hereinafter *Meadors*). Claims 12, and 15-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Liechti* in view of *Manduley*. Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Manduley* in view of *Meadors*. Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Manduley* in view of United States patent number 6,073,125 to Cordery et al. (hereinafter *Cordery*). Applicant traverses the rejections of record.

### **II. Amendment to the Specification**

Paragraph [0010] has been amended herein. During preparation of the response to the current Office Action, Applicant noticed an error in paragraph [0010]. Specifically, the term “postage evidence meter” was erroneously recited when the term “postage information system” was the term Applicant originally intended to be recited in the paragraph. The amendment is supported by paragraphs [0025]-[0026] of the Applicant; thus, the amendment presents no new matter. As such, Applicant respectfully requests the amendment be entered.

### **III. Objections to claims 31 and 33**

Claims 31 and 33 are objected to as containing informalities. Specifically, the Office Action states that “the phrase ‘the selected user’ in line 2 is not defined in independent

claim 28. It appears that the Applicant intended the claims to depend on claim 29. For examination purposes, the Examiner interprets claims 31 and 33 to depend on claim 29.” Office Action, page 2. The Examiner is correct in interpreting claims 31 and 33 as depending from claim 29. As such, Applicant has corrected the typographical error by amending claims 31 and 33 to depend from claim 29 as originally intended. Applicant asserts the scope of claims 31 and 33 is not narrowed by this amendment.

#### **IV. 35 U.S.C. § 112 Rejections**

Claims 3 and 10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the claims stand rejected because the claims recite “the phrase ‘the user’ in line 2. It is unclear to the Examiner which user the claim is directed to in the case of multiple users.” Office Action, page 2. As such, claims 3 and 10 have been amended to clarify which user the claim is directed to in the case of multiple users. Thus, as the claims particularly point out and distinctly claim the subject matter which the Applicant regards as the invention, Applicant requests the rejections of record be withdrawn. Furthermore, Applicant asserts the amendment to the claims does not narrow the claims’ scope.

#### **V. 35 U.S.C. § 102 Rejections**

Claims 1-5, 7-11, 13, and 29-33 stand rejected under 35 U.C.S. § 102(b) as being anticipated by *Liechti*. Claims 23-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Manduley*. However, it is well settled that to anticipate a claim, a reference must teach every element of the claim, see M.P.E.P. § 2131.

##### **A. Claims 1-5, 7-11, 13, and 29-33**

##### **1. Independent claim 1 and dependent claims 2-5 and 7**

Claims 1-4 are amended to recite “selected user” to clarify the claimed invention. The amendment to each claim is supported by paragraphs [0023], [0027], and [0029] of the specification; therefore, the claims contains no new matter. As such, Applicant requests that the amendments be entered.

Claim 1 recites “an authorization database for storing parameters for at least one selected user, wherein the parameters limit the selected user’s ability to evidence postage using the meter” (emphasis added). The Office Action cites many portions of *Liechti* as teaching this limitation. Office Action, page 3. However, *Liechti* fails to teach *user* specific parameters. Instead, *Liechti* teaches *meter* specific parameters. *Liechti*, col. 2, lines 35-45. *Liechti’s* taught method differs from claim 1 because the selected user in claim 1 may have different parameters from another selected user using the same meter. *Liechti’s* method appears to teach universal parameters limiting a meter whereby every user using the meter is limited by the same parameters, the meter’s parameters. Col. 2, lines 35-45, and col. 5, lines 5-11. As such, *Liechti* does not disclose “an authorization database for storing parameters for at least one selected user, wherein the parameters limit the selected user’s ability to evidence postage using the meter” (emphasis added).

Thus, *Liechti* fails to teach each and every limitation of claim 1 and therefore does not anticipate the claim. Applicant respectfully requests the rejection of record be withdrawn and the claim be allowed. Moreover, dependent claims 2-5 and 7 depend from claim 1, thereby inheriting all the limitations therein. Therefore, Applicant respectfully asserts the dependent claims are allowable at least because of their dependence from claim 1 and request that the rejections of record be withdrawn and the claims be allowed.

## **2. Independent claim 8 and dependent claims 9-11 and 13**

Claims 8-11 and 13 are amended to recite “selected user” to clarify the claimed invention. The amendment to each claim is supported by paragraphs [0023], [0027], and [0029] of the specification; therefore, the amendments present no new matter. Furthermore, claim 8 has been further amended to recite “postage information system” instead of “postage evidencing meter.” The amendment is supported by paragraphs [0025]-[0026] of the specification; therefore the claim contains no new matter. As such, Applicant requests that the amendments be entered.

Claim 8 recites “wherein the postage information system includes a database for storing postage usage parameters for at least one selected user, wherein the parameters limit the selected user’s ability to evidence postage using the meter” (emphasis added). The Office

Action cites portions of *Liechti* as teaching this limitation. Office Action, page 4. However, as explained above regarding claim 1, *Liechti* fails to teach user specific parameters. As such, at least for the reasons detailed above, *Liechti* does not teach “wherein the postage information system includes a database for storing postage usage parameters for at least one selected user, wherein the parameters limit the selected user’s ability to evidence postage using the meter” (emphasis added).

Accordingly, as the cited art fails to teach each limitation of claim 8, Applicant requests the rejection of record be withdrawn and the claim be allowed. Furthermore, dependent claims 9-11 and 13 depend from claim 8, thereby inheriting all the limitations therein. As such, the claims are allowable at least due to their dependence from claim 8. Therefore, Applicant respectfully requests the rejections of record be withdrawn and the claims be allowed.

### **3. Independent claim 29 and dependent claims 30-33**

Claims 29-33 are amended herein. Claim 29 is amended to recite “based on the selected user’s user postage account” and “in the user postage account” which is supported by paragraph [0029]; therefore, the claim contains no new matter. Claims 30, 31, and 33 are amended to recite “user postage account” which is supported by paragraph [0014]; therefore, the claims contain no new matter. Claim 32 is amended to recite “selected user” which is supported by paragraph [0014] of the specification; therefore, the claim contains no new matter. As such, Applicant requests the amendments be entered.

Claim 29 recites “determining, based on the selected user’s user postage account, if sufficient postage is available within a current period of time to fulfill the request for the selected user ... and recording postage usage for the selected user in the user postage account.” (emphasis added). The Office Action cites portions of *Liechti* as teaching these limitations of claim 29. Office Action, page 5. However, *Liechti* does not appear to teach a user specific postage account. As explained above, *Liechti* teaches *meter* specific parameters rather than *user* specific parameters. *Liechti*, col. 2, lines 35-45 and col. 5, lines 5-11. As such, while *Liechti*’s meter may include a user account, *Liechti*’s user account appears to be universal to the *meter*, not specific to a *selected user*. Col 13, lines 14-34. As a result,

*Liechti* does not seem to teach a user specific postage account as required by claim 29. Therefore, *Liechti* fails to disclose at least the above-quoted limitations of claim 29.

As *Liechti* does not teach each limitation of claim 29, Applicant respectfully requests the rejection of record be removed and the claim be allowed. Moreover, dependent claims 30-33 depend from independent claim 29 thereby inheriting all the limitations therein. As such, at least for the reasons detailed above regarding claim 29, Applicant asserts claims 30-33 are allowable over the rejections of record. Thus, Applicant requests that the claims be allowed.

**B. Independent claim 23 and dependent claims 24-26**

Claim 23 recites “verifying the postage value token at the second postage evidencing device . . . .” The Office Action cites paragraph [0038] of *Manduley* as teaching this limitation. Office Action, page 7. However, the cited portion of *Manduley* fails to teach verifying the postage value token. Instead, paragraph [0038] teaches recipient unit (RU) sending an acceptance signal which notifies donor unit postal secure device (DU PSD) that the signal was accepted. *Manduley*, paragraph [0038]. While the Office Action interprets an acceptance signal as reading on “verifying the postage value token,” Applicant respectfully asserts accepting a signal does not teach verifying a token at the second postage evidencing device. Furthermore, *Manduley* does not teach RU verifying anything whether it be a token or a signal. Instead, it appears RU simply informs DU PSD that the sent signal was accepted without completing any verification process. *Manduley*, paragraph [0038]. Thus, *Manduley* does not teach “verifying the postage value token at the second postage evidencing device . . . .”

As such, because *Manduley* fails to teach each limitation of claim 23, *Manduley* does not anticipate claim 23. Therefore, Applicant respectfully requests the rejection of record be withdrawn and the claim be allowed. Furthermore, as dependent claims 24-26 depend from independent claim 23, claims 24-26 inherit all the limitations of claim 23. Thus, at least for the reasons detailed above, claims 24-26 are likewise patentable over the rejections of record, and Applicant requests the claims be allowed.

## VI. 35 U.S.C. § 103 Rejections

Claims 6, 12, 14-22, 27, and 28 stand rejected under 35 U.S.C. § 103 as being unpatentable over various combinations of references. However, in an obviousness rejection, “[u]nder § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved.” *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 15-17 (1966). With regard to the claims rejected under 35 U.S.C. § 103 in the current Application, the Office Action does not show that claims are obvious under the framework set out in *Graham*. Among other things, the differences between the applied art and the claims set the claims apart from the applied art. See *United States v. Adams* 383 U.S. 39, 48 (holding that the Government erred in concluding that wet batteries are old in the art because, among other things, “the fact that the Adams battery is water-activated sets his device apart from the prior art.”) The rejected claims are considered below.

### A. Claims 6 and 14

Claims 6 and 14 stand under 35 U.S.C. § 103(a) rejected as being unpatentable over *Liechti* in view *Meadors*. However, as detailed below, *Meadors* is non-analogous art and the cited combination fails to teach each limitation of claims 6 and 14.

“[I]n order to rely on a reference as a basis for rejection of an applicant’s invention, the reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.” *In re Oetiker*, 977 F.2d 1443, 1446, 24 USOQ2d 1443, 1445 (Fed. Cir. 1992), See also M.P.E.P. 2141.01(a).

Meador’s is not in the same field of endeavor as the Applicant. The Applicant’s field of endeavor is related to postage usage. In contrast, *Meadors*’ field of endeavor relates to media storage for playing music. *Meadors*, paragraph [0002]. Accordingly, *Meadors*’ digital music player and storage device does not relate to the Applicant’s postage usage system. Therefore, *Meadors* is not in the Applicant’s field of endeavor.

Furthermore, *Meadors* is not reasonably pertinent to the particular problem with which the Applicant is concerned. The Applicant is concerned with controlling postage, and *Meadors*' digital music player is not reasonably pertinent to the problem to which the Applicant is concerned. Therefore, *Meadors* is non-analogous art. As *Meadors* is non-analogous art, the reference cannot be relied on as a basis of rejection of the Applicant's invention.

Moreover, the cited combination fails to teach each and every limitation of claims 6 and 14. Specifically, claims 6 and 14 depend from claims 1 and 8 thereby inheriting all the limitations therein. As explained above regarding claims 1 and 8, dependent claims 6 and 14 include limitations not taught by *Liechti*. Furthermore, the Office Action does not rely on *Meadors* as curing the above identified deficiencies. As such, claims 6 and 14 are not made obvious by the cited combination, and Applicant requests the rejections of record be removed.

Thus, the rejections of claims 6 and 14 are improper as *Meadors* is non-analogous art and at least the identified limitations of the claims are not taught. Therefore, Applicant requests the rejections be withdrawn and the claims be allowed.

## **B. Claims 12, and 15-22**

Claims 12, 15-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Liechti* in view of *Manduley*. Claims 15-18 are amended to recite "selected user" thereby clarifying that each user has user specific parameters. The amendment to each claim is supported by paragraphs [0023], [0027], and [0029] of the specification; therefore, the claims contains no new matter. As such, Applicant requests that the amendments be entered. Furthermore, as detailed below, the cited combination is improper and does not teach all the claims' limitations; thus, Applicant requests the rejections of record be withdrawn.

### **1. Teaches Away**

M.P.E.P. § 2141.02 directs that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." Additionally, "[i]t is improper to combine references where the references teach

away from their combination," M.P.E.P. § 2145. As *Liechti* expressly teaches away from the claimed invention, the reference combination is improper.

The Office Action states it would be obvious to have “modified the system of *Liechti* to have included a communication link that allows for the exchange of information between at least two meters as taught by *Manduley* for the advantage of effectively transmitting and updating data between meters without the need for connecting to a remote data center” (emphasis original). Office Action, page 10. However, *Liechti* requires his meter to connect to a remote data center to transmit and update data. Specifically, *Liechti* states “[o]nly by connection of the meter to data center 15, may a new postage amount limit be established.” *Liechti*, col. 5, lines 26-27. Furthermore, *Liechti* states “[o]nly by connection of the meter to data center 15, may a new time limit be established . . . .” *Liechti*, col. 5, lines 38-40. Further still, *Liechti* states “[o]nly by connection of the meter to data center 15, may a new piece limit be established . . . .” *Liechti*, col. 5, lines 60-61. Thus, *Liechti* specifically teaches that information can only be exchanged by connection of the meter to a remote data center. As such, *Liechti* teaches away from the suggested modification which makes the combination of references improper. Because the reference combination is improper, Applicant requests the rejections of claims 12, 15, 16, and 18-22 relying on *Liechti* in view of *Manduley* be withdrawn and the claims be allowed.

## **2. The references do not teach all the claims’ limitations**

### **a. Dependent claim 12**

Claim 12 depends from independent claim 8 thereby inheriting all the limitations therein. As explained above, *Liechti* fails to teach each limitation of claim 8. Further, the Office Action does not rely on *Manduley* as curing these above-identified deficiencies. Office Action, page 9. As such, at least for the reasons detailed above, claim 12 is allowable, and Applicant respectfully requests the rejection of record be withdrawn and the claim be allowed.



**b. Independent claim 15 and dependent claims 16 and 18-22**

Claim 15 recites “postage usage parameters for at least one selected user ... wherein the parameters control the selected user’s ability to evidence postage using the meter” (emphasis added). The Office Action cites portions of *Liechti* as teaching this limitation. Office Action, page 9. However, as explained above regarding claim 1, *Liechti*’s taught parameters do not appear to limit a *selected user*. Instead, *Liechti*’s parameters seem to limit a *meter*. *Liechti*, col. 2, lines 35-45 and col. 5, lines 5-11. Further, the Office Action does not rely on *Manduley* as disclosing this limitation. As such, the cited combination does not appear to teach “postage usage parameters for at least one selected user ... wherein the parameters control the selected user’s ability to evidence postage using the meter” (emphasis added).

Furthermore, claim 15 recites “wherein postage usage parameters for at least one user are exchanged between meters via the communication link . . . .” The Office Action admits *Liechti* fails to teach the exchange of information between at least two meters; therefore, the Office Action cites *Manduley* as teaching this limitation and states that “*Manduley* teaches a communication link that allows for exchange of information between at least two meters (*Manduley*: paragraph 0039).” Office Action, page 10. However, *Manduley* does not appear to teach a communication link that exchanges the information recited in claim 15. Instead, the cited portion of *Manduley* teaches a communication link that merely “transfers funds out of postal meter 100 to another postal meter” (emphasis added). *Manduley*, paragraph [0009]. Specifically, the user in *Manduley* enters an amount of funds to be transferred to the recipient unit (RU), and the DU sends the funds to the RU. *Manduley*, paragraphs [0035]-[0038]. As such, while *Manduley* teaches transferring *funds* between postal meters, *Manduley* does not appear to teach transferring *usage parameters* between postage meters. Therefore, the cited combination does not make obvious “wherein postage usage parameters for at least one user are exchanged between meters via the communication link . . . .”

As such, the cited references fail to teach each limitation of claim 15; therefore, the cited combination fails to make claim 15 obvious. Applicant respectfully requests that the rejection of record be removed and the claim be allowed. Furthermore, claims 16 and 18-22 depend from independent claim 15 thereby inheriting all the limitations therein. Thus, at

least for the reasons detailed above, Applicant likewise asserts that claims 16 and 18-22 are not taught by the suggested combination of art. Thus, Applicant requests the rejections of record be withdrawn and the claims be allowed.

**C. Dependent claim 27**

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Manduley* in view of *Meadors*. However, as explained above regarding claims 6 and 14, *Meadors* is non-analogous art making the rejection improper. As such, Applicant requests the rejection of record relying on *Meadors* be withdrawn and that claim 27 be allowed.

Furthermore, claim 27 depends from claim 23, thereby inheriting all the limitations therein. As explained above regarding claim 23, *Manduley* fails to teach each limitation of claim 23. Further, the Office Action does not rely on *Meadors* as teaches the above-identified deficiencies. As such, at least due to its dependence from independent claim 23, dependent claim 27 is allowable. Therefore, Applicant respectfully requests the rejections of record be withdrawn and the claim be allowed.

**D. Dependent claim 28**

Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Manduley* in view of *Cordery*. However, claim 28 depends from independent claim 23, thereby inheriting all the limitations therein. As explained above regarding claim 23, *Manduley* fails to teach each and every limitation of claim 23. Therefore, at least due to its dependence from independent claim 23, dependent claim 28 contains limitations not taught by *Manduley*. Furthermore, the Office Action does not rely on *Cordery* as curing these deficiencies. Office Action, page 13. As such, each limitation of claim 28 is not taught by the cited references, and Applicant requests the rejection of record be withdrawn.

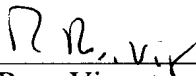
**CONCLUSION**

In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 61135/P023US/10303235 from which the undersigned is authorized to draw.

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Respectfully submitted,

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